

Docket No. IA 1510.01 US
USSN: 09/912,079

PATENT
Art Unit: 3627

REMARKS

Claims 1-14 are pending in the present application.

This Amendment is in response to the Office Action mailed June 25, 2004. In the Office Action, the Examiner rejected claims 1-14 under 35 U.S.C. § 103. Applicant has amended claim 1. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

I. REJECTIONS UNDER 35 U.S.C. § 103

The Examiner rejected claims (1) 1-5 and 14, (2) 6, 12 and 13, (3) 7-9, (4) 10 and 11 under U.S.C. § 103(a) as being unpatentable over U. S. Patent 6,035,329 issued to Mages et al. ("Mages") in view of U.S. Patent No. 6,608,804 issued to Shim ("Shim"), and further in view of (1) U.S. Patent No. 4,658,093 issued to Hellman ("Hellman"), (2) U.S. Patent No. 6,332,126 issued to Peirce et al. ("Peirce"), and (3) U.S. Patent No. 6,260,758 issued to Blumberg ("Blumberg"), respectively. Applicant respectfully traverses the rejections for the following reasons.

Mages discloses a system for playing back DVD-ROMs, which discriminates between DVD-ROM's requirement pay-per-view play, and those that do not, by the use of a special code for the header of the DVD-ROM indicating a pay-per-view title. Mages, however, does not disclose unlocking for playing or installing the recording medium based on the determined characteristic and the identified device.

Shim discloses a burst cutting area code including a unique disk code including the type of a disk. Unlike the present invention, Shim does not disclose

Docket No. IA 1510.01 US
USSN: 09/912,079

PATENT
Art Unit: 3627

unlocking for playing or installing the recording medium based on the determined characteristic and the identified device.

Hellman discloses software that can be authorized for use in a given number of times by a base unit after which the base unit cannot use that software until the manufacturer sends an authorization for additional uses to the user's base unit. This, however, is not unlocking for playing or installing the recording medium based on the determined characteristic and the identified device.

Peirce discloses an automated process which (1) enables a merchant to target customers based on purchase behavior and geographic location, (2) matches targeted merchant offers against a database of consumers and historical purchase behavior, (3) provides a consumer with the best value propositions from multiple merchants/service providers, (4) enables the consumer to act on the value proposition and receive an automated credit for discount amount, and (5) reports on the execution of the discount transaction to the consumer and merchant. This is not the same as identifying the merchant from whom the user obtained the recording medium. Furthermore, Peirce also does not disclose unlocking for playing or installing the recording medium based on the determined characteristic and the identified device.

Blumberg discloses a program that allows a patron to receive any of a variety of rewards. Blumberg, however, does not disclose unlocking for playing or installing the recording medium based on the determined characteristic and the identified device.

Docket No. IA 1510.01 US
USSN: 09/912,079

PATENT
Art Unit: 3627

Mages, Shim, Hellman, Peirce, and Blumberg, taken alone or in any combination, do not disclose, suggest, or render obvious unlocking for playing or installing the recording medium based on the determined characteristic and the identified device unlocking for playing or installing the recording medium based on the determined characteristic and the identified device.

Therefore, Applicant believes that independent claim 1 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. § 103(a) be withdrawn.

Docket No. IA 1510.01 US
USSN: 09/912,079

PATENT
Art Unit: 3627

CONCLUSION


In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

The Commissioner is hereby authorized to charge payment of any required fees associated with this Communication or credit any overpayment to Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES

Dated: September 21, 2004


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